



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

STEPHEN D. DENTEL,
MICHAEL D. WHITMARSH,
JOHNATHAN R. VOGT
and KIRSTEN B. WISDOM

HP Docket No. 10992740-1

Serial No. : 09/629,254

Group Art Unit 3625

Filed : July 31, 2000

Examiner Jeffrey A. Smith

For : SYSTEM AND METHOD FOR FACILITATING THE
PURCHASE OF COMPATIBLE PRODUCTS

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

SECOND DECLARATION UNDER § 1.131

We declare as follows:

1. We are inventors who, on July 31, 2000, filed the above-identified application. At the time of such invention, we were employees of Hewlett-Packard Company.

2. Prior to September 16, 1999, the filing date of the application from which U.S. Patent No. 6,629,134 issued to Hayward et al. matured, we conceived of our invention, and diligently pursued reducing our invention to practice, as demonstrated in part by attached Exhibits 1-4, as discussed below.

3. Exhibit 1 contains pages from a notebook maintained by inventor Michael Whitmarsh during the development of our invention. Each of the attached pages was recorded and dated prior to September 16, 1999.

4. Exhibit 1 demonstrates conception of an online shopping system that enables a user of a processor system to purchase consumable products for use with a peripheral device of the processor system, including determining the particular type of the peripheral device without input from the user, informing a remote server system via a communications network of the particular type of peripheral device, and identifying vendors offering to sell consumable products compatible for use with the particular type of peripheral device.

5. Exhibit 1 also demonstrates conception of a system configured to enable a user of a processor system to locate a vendor selling consumable products for use with a printer of the processor system, where the printer may be any one of plural types, including software executable by the processor system to determine a particular type of the printer without input from the user, and to transmit a purchase request specifying the particular type of the printer via a communications network, and a server system configured to receive the purchase request from the processor system via the communications network, and to identify vendors offering to sell consumable products compatible for use with the particular type of printer. Customers thus are able to use a single function (e.g., a "Quick Buy Button") to automatically order the correct product from one of the vendors.

6. Exhibit 1 also demonstrates conception of a computer-implemented method of enabling a user of a processor system to purchase ink cartridges for use with a printer of the processor system, where the printer is one of plural types, including detecting a low-ink status in the printer, presenting a user-interface command element to the user in response to the low-ink status, and in response to actuation of the user-interface command element, determining the particular type of

the printer, informing a remote server system of the particular type of the printer via a communications network, identifying one or more ink cartridges that are compatible for use with the particular type of printer, and transmitting a purchase invitation to the processor system via the communications network, where the purchase invitation specifies at least one of the compatible products.

7. Exhibit 1 also demonstrates conception of a computer-implemented method of enabling a user of a processor system to purchase products for use with a printer of the processor system, where the printer is one of plural types, including receiving a print command from the user, in response to the print command, presenting a user-interface command element to the user, and in response to actuation of the user-interface command element, determining the particular type of the printer, informing a remote server system of the particular type of the printer via a communications network, identifying one or more products that are compatible for use with the particular type of printer, and transmitting a purchase invitation to the processor system via the communications network, where the purchase invitation specifies at least one of the compatible products.

8. Considering Exhibit 1 more particularly, Exhibit 1-A, dated September 7, 1999, refers to C&PE, or Hewlett-Packard's Create & Print Engine in the context of facilitating the purchase of e-Cards. Exhibit 1-A also includes a reference to 'One-Button Buy'. Exhibit 1-B, also dated September 7, 1999, clarifies the functionality that is referred to as 'One-Button-Buy'. Specifically that the C&PE software may be electronically purchased ('downloaded from an e-store'), and that 'next time they print they'll be told if they need to order ink'. This functionality would be accomplished by the Peripheral Interrogator, or PI.

9. Exhibit 1-C, dated September 9, 1999, indicates that the use of the One-Button Buy system would facilitate the sale of selected Hewlett-Packard print supplies. In particular, use of the 'One-Button Buy' software would first 'auto-detect part numbers', then 'launch site based on low-ink states.'

10. Exhibit 1-D, dated September 9, 1999, records three types of functionality in the One-Button Buy system, including the use of the One-Button Buy system to generate a low ink message. Exhibit 1-D also records a change in terminology from 'OBB' (One-Button Buy) to 'QB' (Quick Buy). The Quick Buy system is identified as relying upon the PI (peripheral Interrogator) to obtain the information necessary to automatically identify the supplies needed by the user.

11. Exhibit 1-E, dated September 9, 1999, serves to identify selected classes of information that would be supplied to the server by the Quick Buy system, in particular including information that would be obtained by the peripheral interrogator ('peripheral info').

12. Exhibit 1-F, dated September 9, 1999, records a proposed user interface design, including an indication that Visual Basic and/or Java applets would be used to generate the user interface.

13. Exhibit 1-G, dated September 13, 1999, records that the One Button Buy system will permit a customer to buy what they need, at a point in time before a conventional low ink warning would be generated.

14. Exhibit 1-H, dated September 13, 1999, provides a further outline of the One Button Buy system, including informing the vendor server system of compatible products derived from printer information. The One Button Buy system would permit customers to use a single function to automatically order the correct

product from a vendor, based on information determined by the Peripheral Interrogator.

15. As indicated by the attached Exhibit 1, the conception of the invention of the referenced patent application was complete prior to September 16, 1999. All acts set forth herein and/or relied upon for the purpose of establishing invention prior to September 16, 1999 were carried out in the United States.

16. Additionally, Applicants have previously provided Exhibit 1 with the Declaration under § 131 previously submitted on April 9, 2003. The previously submitted Exhibit 1 contains pages from a PowerPoint presentation that correspond to a presentation given on September 13, 1999. Although Exhibit 1 indicated a date of October 11, 1999, this reflected the print date of the PowerPoint presentation. However, we assert that the content of the previously provided Exhibit 1 corresponds to the content of the presentation given on September 13, 1999, and therefore serves to further document the development of the claimed invention prior to September 16, 1999.

17. Following our conception prior to September 16, 1999, we diligently worked toward creation of a commercial implementation of our invention. Such commercial implementation was constructed by Hewlett-Packard Company and AOL in early 2000 and was released to the public in August 2000. Our diligence is demonstrated, in part, by attached Exhibits 2-4, discussed below.

18. Exhibit 2 includes excerpted pages from a Marketing Brief dated January 20, 2000 directed to the development of a marketing strategy for a Quick Purchase software system incorporating the claimed invention. In particular, page 31 shows a conceptual rendering of a customer screen, referring to the function of the

peripheral interrogator (PI), and describes how the PI identifies associated printers, and determines a compatibility match of the identified printer with available cartridges and media, and that the determined supplies are made available for purchase.

19. Exhibit 3 includes pages from a report entitled Specifications for System Requirements and Architecture for the Quick Purchase software system. As shown on page 3, the Revision Date for the report is February 10, 2000. Page 3, Section 2 of Exhibit 3 sets out an overview of the Quick Purchase system, including the use of "Peripheral Interrogator technology". Section 3, at pages 3-4, describes the organization of the Quick Purchase project into two phases. Phase I is described as "currently in process with an estimated duration of three weeks." and Phase II is "estimated to immediately follow Phase I". The functionality of the Peripheral Interrogator is described in section 4.2, page 5, of Exhibit 3. Section 5 of Exhibit 3, at pages 9-16, describes the conceptual and systems integration model of the Quick Purchase system.

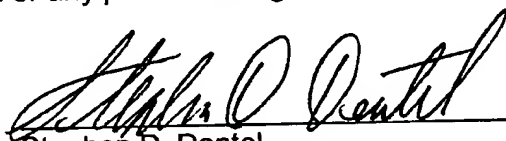
20. Exhibit 4 is a status report on the Quick Purchase system, dated April 5, 2000. The pages of the status report include color indications showing which aspects of the program were on track (green or G), which aspects had identified manageable issues impacting scope, schedule, or resources (yellow or Y), and for which aspects the schedule, scope or resources were in jeopardy (red or R). As indicated in the status report, no aspects of the Quick Purchase project were color-coded red, indicating that ongoing progress was satisfactory for every aspect of the project at the time of the status report.

21. The above-referenced patent application was filed with the U.S. Patent and Trademark Office on July 31, 2000, representing a constructive reduction to practice of the invention.

22. We suggest that the enclosed exhibits show that the inventors, and the inventor's assignee, diligently pursued the creation and implementation of the claimed invention from prior to September 16, 1999 to the date of filing a United States patent application.

23. We declare that all statements made herein of our knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code. We understand that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 19 JAN 2005


Stephen D. Dentel

Date: _____

Michael D. Whitmarsh

Date: _____

Johnathan R. Vogt

Date: _____

Kirsten B. Wisdom

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Date: _____

Date: 01/19/2005

Stephen D. Dentel



Michael D. Whitmarsh

Date: _____

Date: 01/19/05

Johnathan R. Vogt



Kirsten B. Wisdom

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Date: _____

Stephen D. Dentel

Date: _____

Michael D. Whitmarsh

Date: 11/9/05 _____



Johnathan R. Vogt

Date: _____

Kirsten B. Wisdom

amazon.com

7/7/99

► C&PE

► Card w/ gift

► links to C&PE free service

①

► one-button-buy

real \$

"Consumer electronics area"

② eCards tab use C&PE

③ Card w/ gift

◆ Have until 28th to talk w/ amazon.

2/7/99

◆ One Button Buy

- ▶ download C&PE button from eStore
- next time they print they'll be told it they need to order ink

Win32 only

ORB

- ▶ PI - peripheral interrogator
-

- Pulling materials together
 - waiting to pull get GIF, TIF, etc.
 - visit next week.
-

* Who's creating the mock-ups
What are we creating ???

Dave Stone
Amazon -

① help them sell HP stuff

"One Button Buy" →

Level 1

• auto-detect part #s

Level 2

• launch site based on low-inlc status.

② C&P

③ Card w/ gift

User Testing

◇ Users DO NOT want to have to register! Don't REQUIRE IT!!!

EXHIBIT 1-D

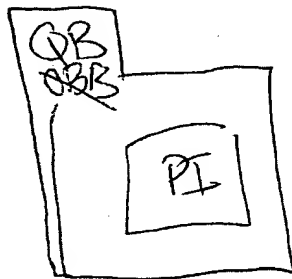
Pull (1). Web Pages need:
ORB link

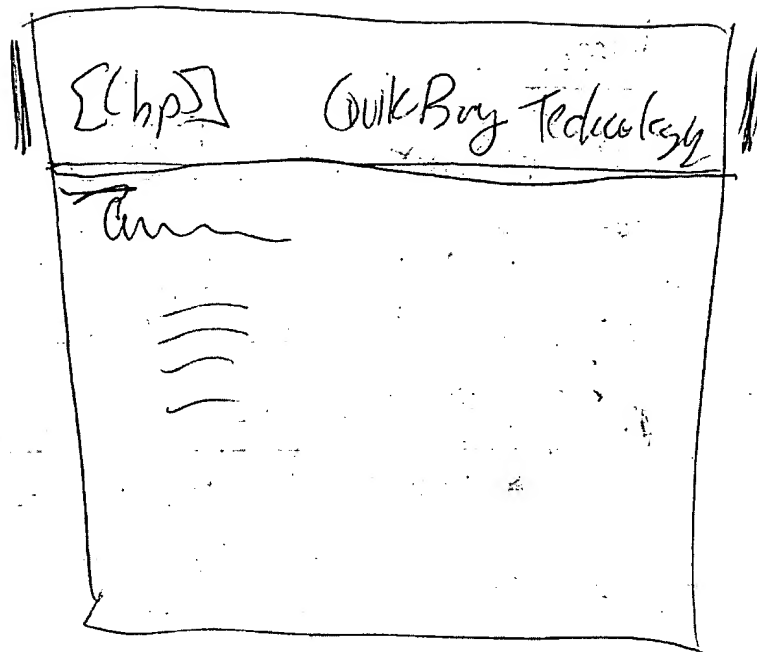
Push (2). VCD GM needs
ORB link

Low link msg

Push (3). Reminder Service

↳ non-link-level products
VCD GM uses PI to get
ORB link





QB → server

- customer ID
- partner (from link)
- context
- peripheral info (code/c) ??
 - type
 - mfg
 - model
 - installed components

"printer supplied"
"Black Cartridge
for 970 low"

EXHIBIT 1-F

- High Level Arch.
- DB Schema
- Current copy of code

shall user
- ZIP today?

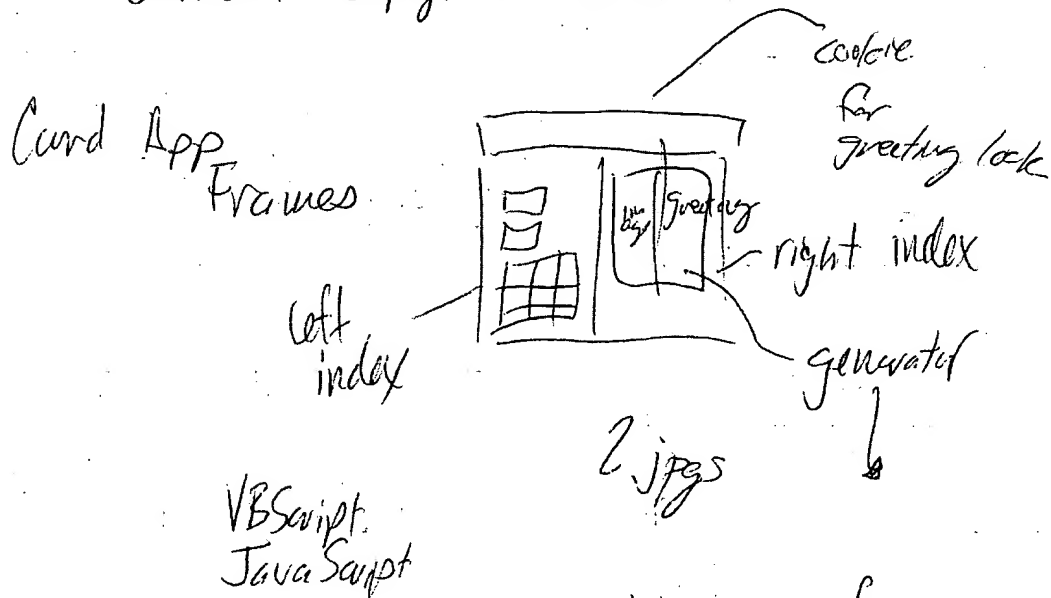


image is a farm
has greeting
def font
color

9/13/89

One Button Overview

1. You're just news
2. Dest. site C&Print things
3. 1 Button Buy }
 ↳ allows cust buy conveniently
 what they need.

* - further than low inc. Warnings -

AOL shopping experience

HP owns

- pricing
- mail
- delivery

customer ?
data

HP brand - why not show HP during shopping
experience.

9/13/99

One button buy - AOL eWallet

